

Applicants respectfully elect, with traverse, to prosecute the subject matter of Invention I, recited in claims 1, 6-10, 14-20, 24-25 and 56, classified by the Examiner in class 455/450, and allegedly drawn to an operation that enables a data transmission method in a communication system, the system comprising at least one base and at least one subscriber station, wherein the at least one subscriber station allocates capacity for connections. Applicants therefore respectfully request timely consideration on the merits.

Applicants reserve the right to file a divisional application on the non-elected claims at any point prior to the termination of the proceedings in the subject application.

Applicants traverse this restriction requirement because, even if the inventions were classifiable in separate classifications, all of the claims of the application have already been examined together, and it would not pose any serious burden on the examiner to continue to examine the claims together.

Furthermore, the patentability of all of the claims over the best art of record has already been established in the Response filed October 22, 2007. Accordingly, the appropriate course of action is to permit all of the claims to issue as a single patent by the mailing of a timely notice of allowance.

MPEP 803, second paragraph, states that "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

(emphasis added). Since it would not be a serious burden for the Examiner to examine all of the claims, the Examiner must examine them together. Even if the Examiner's classification is correct (not admitted), the two inventions are in the same class. Furthermore, search of the prior art has been made with respect to all of the claims, and patentability over the cited art has been demonstrated. Consequently, Applicants respectfully request a timely notice of allowance.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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